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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,764	08/07/2001	Stephen E. Frazier	15503.5_DIV	9393

7590

01/27/2003

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EXAMINER

HENDRICKSON, STUART L

ART UNIT

PAPER NUMBER

1754

DATE MAILED: 01/27/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

923164

Applicant(s)

Fraser

Examiner

H. Adickson

Group Art Unit

1154

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 12/13/92
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 64-66, 15-17, 19 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 64-66, 15-17, 19 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action. The request filed on 12/13/02 for Continued examination (RCE) based on parent Application No. 09/923764 is acceptable and a RCE has been established. An action on the RCE follows.

Claims 64-66, 75-77 and 79 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A) Claims 77 and 79 are duplicates of claims 65 and 75 respectively.

B) In claims 64 and 76, 'enhanced' is unclear in the basis for comparison- presumably versus untreated carbon. Furthermore, it is unclear if higher or lower constitutes enhancement. Perhaps the preamble should be changed to just read 'A process of making activated carbon comprising'.

77 and 79
Claims 64-66 and 75-~~79~~ are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There is no support for the two temperature ranges claimed, nor in the use of the term 'approximately'.

Claims 64-66 and 75-77 and 79 are rejected under 35 U.S.C. 103(a) as obvious over Aibe et al. Aibe teaches in columns 5, 8 and 28 impregnating active carbon with a dilute aqueous solution of KI only. The impregnation is deemed uniform, since the material has the whole outside surface contacted with the solution. The reference does not explicitly teach drying at the claimed temperature, but discloses temperatures which overlap the claimed temperature. Note that to dry

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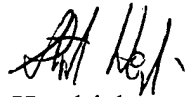
at 200 degrees, it is necessary to raise the temperature through the initial lower range then to the higher temperature. Thus, the claims read upon ramping up the heat.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to dry at a high temperature in the process of Aibe because doing so provides an useful sorbent material.

Applicant's arguments filed 12/13/02 have been fully considered but they are not persuasive.

The amendments change objectionable terms to terms which are synonyms and thus also objectionable. There is no support for two ranges in example 5- there is support for one heating to exactly 130 degrees. Ex. 7 shows exactly 80 and exactly 130. This does not support the ranges claimed. Aibe teaches drying at a wide range of temperatures; no criticality is seen in the particular temperatures claimed.

Any inquiry concerning this communication should be directed to examiner Hendrickson at telephone number (703) 308-2539.



Stuart Hendrickson
examiner Art Unit 1754